

SENATE BILL No. 242

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-29-10; IC 9-30.

Synopsis: Driving license reinstatement fees. Permits a court to suspend, modify, or waive a driver's license reinstatement fee if: (1) the person who owes the fee is indigent; (2) the person who owes the fee has proof of future financial responsibility; and (3) suspension, modification, or waiver of the fee is appropriate in light of the person's character and the nature and circumstances surrounding the suspension of the person's license.

Effective: July 1, 2005.

Long

January 6, 2005, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 242

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-29-10-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The fee for the
3 reinstatement of a **driving driver's** license that was suspended under
4 IC 9-25 is as follows:

5 (1) For a first suspension, one hundred fifty dollars (\$150).

6 (2) For a second suspension, two hundred twenty-five dollars
7 (\$225).

8 (3) For a third or subsequent suspension, three hundred dollars
9 (\$300).

10 (b) **Except as provided in subsections (d) and (e)**, the following
11 amount of each fee paid under this section shall be deposited in the
12 financial responsibility compliance verification fund established by
13 IC 9-25-9-7:

14 (1) Of the fee paid for reinstatement after a first suspension, one
15 hundred twenty dollars (\$120).

16 (2) Of the fee paid for reinstatement after a second suspension,
17 one hundred ninety-five dollars (\$195).



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(3) Of the fee paid for reinstatement after a third or subsequent suspension, two hundred seventy dollars (\$270).

(c) If:

(1) a person's ~~driving~~ **driver's** license is suspended for registering or operating a vehicle in violation of IC 9-25-4-1;

(2) the person is required to pay a fee for the reinstatement of the person's license under this section; and

(3) the person later establishes that the person did not register or operate a vehicle in violation of IC 9-25-4-1;

the fee paid by the person under this section shall be refunded.

(d) If a person is required to pay an amount other than an amount described in subsection (a) for reinstatement of the person's driver's license because a court has suspended, modified, or waived all or part of the fee under section 3 of this chapter, the bureau shall retain thirty dollars (\$30) of the amount paid for the license suspension and deposit the remaining amount in the financial responsibility compliance verification fund established by IC 9-25-9-7.

(e) If a person is required to pay a fee for reinstatement of the person's driver's license in installments, the bureau shall retain the first thirty dollars (\$30) of the amount paid for the license suspension and deposit the remaining amount in the financial responsibility compliance verification fund established by IC 9-25-9-7.

SECTION 2. IC 9-29-10-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2. (a) A person who is indigent may file a petition for suspension, modification, or waiver of a fee for reinstatement of the person's driver's license in the circuit court in the person's county of residence.**

(b) The clerk of the circuit court shall forward a copy of the petition to the prosecuting attorney of the county and to the bureau. The prosecuting attorney may appear and be heard on the petition.

(c) The bureau is not a party in a proceeding under this chapter.

SECTION 3. IC 9-29-10-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 3. (a) A court may suspend, modify, or waive all or part of a fee for reinstatement of a driver's license described in section 1 of this chapter if the court finds that:**

(1) the person who owes the fee for reinstatement of the driver's license:

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(A) is indigent; and

(B) has presented proof of future financial responsibility;

and

(2) suspension, modification, or waiver of all or part of the fee for reinstatement of the driver's license is appropriate in light of the person's character and the nature and circumstances surrounding the person's license suspension.

(b) A court may:

(1) require a person to pay all or part of a fee for reinstatement of the person's driver's license in installments; and

(2) may impose other reasonable conditions on the person.

(c) If a court suspends, modifies, or waives a fee for reinstatement of a driver's license under this section, the clerk shall forward a copy of the court's order to the bureau.

SECTION 4. IC 9-29-10-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) If, following a hearing, a court finds that a person has not complied with the court's order suspending, modifying, or waiving a fee for reinstatement of the person's driver's license, the court shall:

(1) recommend immediate suspension of the person's driving privileges, to take effect on the date the order is entered;

(2) order the person to surrender the person's driver's license; and

(3) order the bureau to reinstate the person's driver's license when the person has paid the balance of the fee for reinstatement of the person's driver's license owed for the license suspension.

(b) The clerk of the circuit court shall forward the following to the bureau:

(1) The person's driver's license surrendered under this section.

(2) A copy of the order recommending immediate suspension of the person's driving privileges.

(c) Upon receiving the order described in subsection (a), the bureau shall immediately suspend the person's driving privileges until the person has paid the balance of the fee for reinstatement of the person's driver's license owed for the license suspension.

SECTION 5. IC 9-30-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) If a court grants a person probationary driving privileges under section 12 of this

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chapter, the person may operate a vehicle only as follows:

- (1) To and from the person's place of employment.
- (2) For specific purposes in exceptional circumstances.
- (3) To and from a court-ordered treatment program.

(b) If the court grants the person probationary driving privileges under section 12(a) of this chapter, that part of the court's order granting probationary driving privileges does not take effect until the person's driving privileges have been suspended for at least thirty (30) days under IC 9-30-6-9.

(c) The court shall notify a person who is granted probationary driving privileges of the following:

- (1) That the probationary driving period commences when the bureau issues the probationary license.
- (2) That the bureau may not issue a probationary license until the bureau receives a reinstatement fee from the person, **if applicable**, and the person otherwise qualifies for a license.

SECTION 6. IC 9-30-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) This section does not apply if an ignition interlock device order is issued under section 8(d) of this chapter.

(b) If the affidavit under section 8(b) of this chapter states that a person refused to submit to a chemical test, the bureau shall suspend the driving privileges of the person:

- (1) for one (1) year; or
- (2) until the suspension is ordered terminated under IC 9-30-5.

(c) If the affidavit under section 8(b) of this chapter states that a chemical test resulted in prima facie evidence that a person was intoxicated, the bureau shall suspend the driving privileges of the person:

- (1) for one hundred eighty (180) days; or
- (2) until the bureau is notified by a court that the charges have been disposed of;

whichever occurs first.

(d) Whenever the bureau is required to suspend a person's driving privileges under this section, the bureau shall immediately do the following:

- (1) Mail a notice to the person's last known address that must state that the person's driving privileges will be suspended for a specified period, commencing:
 - (A) five (5) days after the date of the notice; or
 - (B) on the date the court enters an order recommending suspension of the person's driving privileges under section 8(c)

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1 of this chapter;
 2 whichever occurs first.
 3 (2) Notify the person of the right to a judicial review under
 4 section 10 of this chapter.

5 (e) Notwithstanding IC 4-21.5, an action that the bureau is required
 6 to take under this article is not subject to any administrative
 7 adjudication under IC 4-21.5.

8 (f) If a person is granted probationary driving privileges under
 9 IC 9-30-5 and the bureau has not received the probable cause affidavit
 10 described in section 8(b) of this chapter, the bureau shall suspend the
 11 person's driving privileges for a period of thirty (30) days. After the
 12 thirty (30) day period has elapsed, the bureau shall, upon receiving a
 13 reinstatement fee, **if applicable**, from the person who was granted
 14 probationary driving privileges, issue the probationary license if the
 15 person otherwise qualifies for a license.

16 (g) If the bureau receives an order granting probationary driving
 17 privileges to a person who has a prior conviction for operating while
 18 intoxicated, the bureau shall do the following:

- 19 (1) Issue the person a probationary license and notify the
- 20 prosecuting attorney of the county from which the order was
- 21 received that the person is not eligible for a probationary license.
- 22 (2) Send a certified copy of the person's driving record to the
- 23 prosecuting attorney.

24 The prosecuting attorney shall, in accordance with IC 35-38-1-15,
 25 petition the court to correct the court's order. If the bureau does not
 26 receive a corrected order within sixty (60) days, the bureau shall notify
 27 the attorney general, who shall, in accordance with IC 35-38-1-15,
 28 petition the court to correct the court's order.

29 SECTION 7. IC 9-30-11-6 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. The bureau shall
 31 reinstate motor vehicle registration that is suspended under this chapter
 32 if the following occur:

- 33 (1) Any person presents the bureau or a bureau license branch
- 34 with adequate proof that all unpaid judgments with respect to the
- 35 motor vehicle have been paid.
- 36 (2) A reinstatement fee under IC 9-29 is paid to the bureau, **if**
- 37 **applicable.**

38 SECTION 8. IC 9-30-12-2 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The bureau may:

- 40 (1) reinstate a license or permit revoked or suspended under
- 41 section 1 of this chapter; or
- 42 (2) revalidate a title or registration that has been invalidated under

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- 1 section 3 of this chapter;
- 2 if the obligation has been satisfied, including the payment of service,
- 3 collection, and reinstatement fees, **if applicable**.

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